

Remarks

This is in response to the final Office Action dated May 22, 2009.

Claims 1-3 and 5-32 are pending.

The Office Action rejected claims 1-3, 5-15, 18-19, 21-26, 29, and 31-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,996,828 (Kimura) in view of United States Publication No. 2004/0088710 (Ronkka). The Office Action rejected claims 17 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Kimura in view of Ronkka, and further in view of Halang, "Real-time Systems" pages 291-313 (Halang). The Office Action rejected claims 27 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Kimura in view of Ronkka, and further in view of U.S. Patent no. 6,725,260 (Philyaw). The Office Action rejected claims 16 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Kimura in view of Ronkka, and further in view of U.S. Publication no. 2003/0041088 (Wilson).

The Examiner has maintained the same rejection as in the previous Office Action, without fully considering the Applicants' remarks submitted in the Amendment submitted March 5, 2008.

In the response to Arguments section of the Office Action, the Examiner states that "Applicant argued that Kimura do not teach the use of non-variable scan cycle timing....In response, examiner did not cite Kimura for teaching the step of the use of non-variable scan cycle timing. The response of October 3, 2008 in the RCE were [sic] moot, and examiner changed the new ground of rejection to cite Ronkka for teaching non-variable scan cycle timing." However, at page 12, paragraph 1 - page 13, paragraph 2 of the Amendment of March 5, 2008, Applicants present an argument explaining that Ronkka does not disclose "non-variable scan cycle timing". The Office Action clearly did not consider this argument.

Therefore, Applicants respectfully request reconsideration and allowance of the pending claims in light of the argument presented at pages 12-13 of the Amendment of March 5, 2009. Further, if the Examiner wishes to provide any additional information to rebut the arguments in the Amendment of March 5, 2009, Applicants respectfully request withdrawal of the finality of the outstanding Office Action and re-opening prosecution so that Applicants have an opportunity to respond.

Respectfully submitted,



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